

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/4/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
D'AMICO DRY D.A.C.,	:	
	:	
Plaintiff,	:	
	:	20-CV-3731 (VEC)
-against-	:	
	:	<u>ORDER</u>
MCINNIS CEMENT INC.,	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 3, 2020 (Dkt. 36), the parties notified the Court that they have reached an agreement in principle resolving all issues;

IT IS HEREBY ORDERED THAT all previously scheduled conferences and other deadlines are CANCELLED.

IT IS FURTHER ORDERED that this case is DISMISSED with prejudice and without costs (including attorneys' fees) to either party. The Clerk of Court is respectfully directed to terminate all open motions and to CLOSE the case.

Within **30 days** of this order, the parties may apply to reopen this case. Any such application must show good cause for holding the case open in light of the parties' settlement and must be filed within **30 days**. Any request filed after 30 days or without a showing of good cause may be denied solely on that basis.

Additionally, if the parties wish for the Court to retain jurisdiction to enforce their settlement agreement, they must submit **within the same 30-day period**: (1) their settlement agreement to the Court in accordance with Rule 6.A of the Court's Individual Practices and (2) a

request that the Court issue an order expressly retaining jurisdiction to enforce the settlement agreement. *See Hendrickson v. United States*, 791 F.3d 354 (2d Cir. 2015).

SO ORDERED.

Date: September 4, 2020
New York, NY

— Valerie Caproni —
VALERIE CAPRONI
United States District Judge